

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

OPTUM, INC. and
OPTUM SERVICES, INC.,

Plaintiffs,

v.

DAVID WILLIAM SMITH,

Defendant.

Civil Action No. 19-cv-10101

DEFENDANT DAVID SMITH'S MOTION TO STAY PROCEEDINGS

Pursuant to the Federal Arbitration Act and to Rule 8 of the Federal Rules of Appellate Procedure, and for the reasons set forth in the attached Memorandum of Law, David William Smith ("Smith") hereby moves for an order staying all further proceedings in this case pending his appeal of this Court's refusal to compel arbitration.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Smith requests oral argument on this motion.

Respectfully submitted,

DAVID WILLIAM SMITH

By his attorneys,

/s/ John F. Welsh, III
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Dated: January 30, 2019

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2019, the undersigned filed a copy of the above and foregoing via the Court's CM/ECF system, which will send notification of such filing to all registered participants.

/s/ John F. Welsh, III
John F. Welsh, III

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1, I hereby certify that this issue has been discussed in open court with opposing counsel in an attempt in good faith to resolve or narrow the issues presented by this motion.

Dated: January 30, 2019

/s/ John F. Welsh, III
John F. Welsh, III